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OFFICE OF PETITIONS

In re Application of
Yan et al.
Application No. 09/747,753
Filed: December 22, 2000
Attorney Docket No. DP-300320

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 11, 2003, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction mailed July 19, 2002, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the above-identified application became abandoned on August 20, 2002. A Notice of Abandonment was mailed on March 4, 2003.

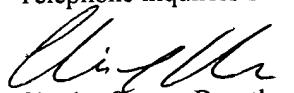
An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1970.00 extension of time fee submitted with the petition on March 11, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The file is now being forwarded to Technology Center 1700.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


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